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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,854	03/07/2001	Travis Parry	10003552-1	5600

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/800,854

Applicant(s)

PARRY, TRAVIS

Examiner

George Eng

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9/27/04
10. ☐ Other: _____



George Eng
Primary Examiner
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Response to Arguments

1. Applicant's arguments filed 9/2/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's arguments that Ulinski does not teach to provide customer support in the form of communication between a user and a customer support representative and Ulinski teaches away from facilitating communications between the customer and the customer support representative, it is noted that the previous Office action clearly state that Ulinski teaches to establish a communication link between the customer support representative site, i.e., host computer, and the user site with the customer support unit (col. 4 lines 28-54), transmitting data between the customer support representative site to the user site via the customer support unit (col. 4 lines 54-55), and presenting status and setting information from the peripheral device to the customer support representative site while the communication link is active to enable the customer support representative site to consult the user site as to how the user site can correct the problem with the peripheral device (col. 5 lines 7-68), so that the Ulinski teaches to establish communication between the user site and the customer representative site during abnormal operations. Note the secondary reference Peters teaches to integrated customer support unit in a vending system for providing audio and video communication between customer and customer service representative during abnormal operations (col. 8 line 63 through col. 9 line 18 and col.

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15 line 27 through col. 16 line 15) in order to in order to make user friendly by improving the peripheral device in capable of providing audio and video communication with customer service representative during abnormal operations (col. 3 lines 11-58), so that Peter clearly teaches to provide audio, as well as video, communication between customer at the customer site and customer representative at the customer representative site. Thus, Ulinski does not teach away from facilitating communication between customer site and customer representative site. Furthermore, Ulinski and Peters are combinable because they are in the same field endeavor, i.e., establishing communication between customer site and customer representative site. By combining Ulinski with Peter, one skill in the ordinary skill in the art would recognize Ulinski in establishing multimedia communications between customer at customer site and customer representative at the customer representative site, as taught by Peters. As a result, the combination of Ulinski and Peters are enough to reject the claimed limitations.

In response to applicant's argument that Peters is not properly combinable with Ulinski, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that neither Ulinski nor Peters teaches "customer support unit comprising a speaker and a display that are adapted to present audio and video data of a customer support representative to the user and a microphone and video camera that are adapted to capture audio and video data of the user, the customer support unit being configured

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to receive a request from a user to contact a customer support representative and establish a communication link between the user and the customer support representative” or “wherein the user can communicate with the customer support representative”, or “a speaker configured to present audio data of a customer support representative to a user”, “a microphone configured to capture audio data of the user” or “a video camera configured to capture video data of the user”, it is noted that Peters teaches to provide communications between a machine and a central customer service location in order to allow customer to communication with customer service representative in audio, as well as video and data, at a real time during abnormal operations (col. 8 line 63 through col. 9 line 18 and col. 15 line 27 through col. 16 line 15), so that Peters teaches the customer support unit obviously comprising a speaker and a display that that are adapted to present audio and video data of a customer support representative to the user and a microphone and video camera that are adapted to capture audio and video data of the user, wherein the customer support unit is being configured to receive a request from a user to contact a customer support representative and establish a communication link between the user and the customer support representative. Thus, the claimed limitations are rejected by the combination of Ulkinski and Peters.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., to incorporation of a web server into a peripheral device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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In response to applicant's argument that the programming controller of Houghton's does not equate to disclosure of an "embedded web server", it is noted that the claimed language merely defines the embedded web server configured to collect and post peripheral device configuration information. Since Houghton teaches the programming controller configured to collect and post peripheral device configuration information (col. 6 lines 23-36 and lines 55-60), the interpretation of Houghton's programming controller is proper.

In response to applicant's argument that the use of audio communications system in a vending machine as taught in Peters does not provide evidence of the alleged obviousness of using a customer support unit on a facsimile device, it is noted that Peters teaches that various changes in forms, details and applications can be made in his invention without departing from the spirit and scope of the invention (col. 19 lines 46-52). Thus, one skill in the art would recognize to apply the use of the customer support unit for providing audio and video communication on a facsimile device instead of a vending system as taught by Peters.